

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**ADAMS & BOYLE, P.C., on behalf of itself and
its patients; WESLEY F. ADAMS, JR., M.D., on
behalf of himself and his patients; and MEMPHIS
CENTER FOR REPRODUCTIVE HEALTH, on
behalf of itself and its patients,**

Plaintiffs,

v.

**HERBERT H. SLATERY III, Attorney General of
Tennessee, in his official capacity; JOHN
DREYZEHNER, M.D., Commissioner of the
Tennessee Department of Health, in his official
capacity; and MICHAEL D. ZANOLLI, M.D.,
President of the Tennessee Board of Medical
Examiners, in his official capacity,**

Defendants.

CIVIL ACTION

CASE NO. 3:15-cv-00705

**JUDGE SHARP
MAGISTRATE JUDGE
KNOWLES**

**PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65, as well as this Court's Local Rule 65.01, Plaintiffs Adams & Boyle, P.C., and Wesley F. Adams, Jr., M.D., by and through their undersigned attorneys, file this motion for a temporary restraining order and preliminary injunction against enforcement of 2015 Tenn. Pub. Acts Chapter 419 ("Public Chapter 419") (to be codified at Tenn. Code Ann. § 68-11-201). Public Chapter 419 requires doctor's offices that perform abortions to become licensed as costly ambulatory surgical treatment centers ("ASTCs") (the "ASTC Requirement").

This motion is necessary to prevent irreparable harm to Plaintiffs and their patients. *See* Fed. R. Civ. P. 65(b). In support of this motion, Plaintiffs submit a memorandum of law, which sets forth the grounds for the motion in more detail, and the following declarations:

- Declaration of Wesley F. Adams, Jr., M.D.; and
- Declaration of Thomas C. Jessee.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully ask the Court to enter a temporary restraining order and preliminary injunction, without bond, restraining Defendants and their employees, agents, and successors in office from enforcing Public Chapter 419 until a final judgment is entered in this case, and to enter such other and further relief as the Court may deem just, proper, and equitable.

A proposed Temporary Restraining Order is attached hereto.

Certification by Undersigned Counsel

Undersigned counsel hereby certifies that he spoke with counsel for the defendants (identified in the certificate of service below) on June 25, 2015 about this anticipated motion and has ensured that counsel for the defendants will be provided with a copy of all related pleadings via electronic mail shortly after their filing and by hand delivery shortly thereafter. Undersigned counsel also notified the defendants' counsel that Plaintiffs would ask that this matter be heard before July 1, 2015, and that undersigned counsel will immediately notify the defendants' counsel upon learning of the time and date of any such hearing.

Dated: June 26, 2015

Respectfully submitted,

/s/ Scott P. Tift

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Attorneys for Plaintiffs

* *Pro hac vice* motions pending

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing *Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction* will be served on all three defendants through the following counsel by electronic mail and by hand delivery on June 26, 2015:

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